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Attorney for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

KARLA LOPEZ-SERRANO,

Case No. 14-Civ.-06056

Plaintiff, **COMPLAINT**

-against-

ALLISON ROCKMORE,

Defendants.

Plaintiff Karla Lopez-Serrano (“Plaintiff” or “Ms. Lopez”), complaining of
defendant Allison Rockmore (Rockmore), alleges as follows:

NATURE OF THE ACTION

1. This lawsuit seeks to recover overtime compensation for the Plaintiff, a domestic service worker, under the FLSA, 29 U.S.C. 201, et seq., and the New York Labor Law §§ 170 and 191.
2. This lawsuit seeks to recover minimum wages not paid to the Plaintiff during her last week of employment under the FLSA.
3. This lawsuit seeks to recover damages for violations of the anti-retaliation provisions of the FLSA (29 U.S.C. § 215) and the NYLL § 215.
4. This lawsuit also seeks to recover damages for wage violations under NYLL §195-1(a)(for failure to provide a wage notice) and NYLL §195-3(for failure to provide a wage statement).

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 29 U.S.C. § 216(b), 28 U.S.C. §§ 1331 and 1337, and supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367, as such claims are so related in this action to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

6. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. § 1391. A substantial part of the events or omissions giving rise to the claims in this action occurred within the Eastern District of New York.

THE PARTIES

Plaintiff Karla Lopez-Serrano

7. Plaintiff is an adult individual who is a resident of Nassau County, New York.

8. Plaintiff was employed as a domestic worker in the defendant's home from December 2011 through September 2012.

Defendant Allison L. Rockmore

9. Defendant Allison L. Rockmore ("Rockmore") is an adult individual residing at 4 White Oak Tree Road, Syosset, County of Nassau, State of New York.

PLAINTIFF'S FACTUAL ALLEGATIONS

10. In December 2011 Rockmore hired the Plaintiff as a domestic worker in Ms. Rockmore's home at 4 White Oak Tree Road, Syosset, New York.

11. Rockmore paid the Plaintiff a weekly salary of between \$425-\$500.

12. Rockmore did not record the hours worked by the Plaintiff while under her employ0000.

13. Rockmore has no personal knowledge of the actual hours worked by the Plaintiff while under her employ.

14. The Plaintiff's regular workweek was from Monday to Friday.

15. The Plaintiff worked for Rockmore on September 10, 2014, September 11, 2014, September 12, 2014, September 13, 2014 and September 14, 2014.

16. Rockmore usually paid the Plaintiff on Friday.

17. On Friday, September 14, 2012 Rockmore did not pay the Plaintiff for wages earned from September 10, 2012 through September 14, 2012.

18. On Sunday, September 16, 2012 Rockmore received a request from the Plaintiff to have a "day off" on Monday September 17th 2012.

19. On Sunday, September 16, 2012 Rockmore responded that she could not give the Plaintiff the day off.

20. On Monday, September 17, 2012 the Plaintiff did not report to work.

21. On Tuesday, September 18, 2012 Rockmore sent a text message to the Plaintiff which gave the Plaintiff the rest of the week off, and concluded "I'll see you on Monday. Take care."

22. On Sunday, September 23, 2012 Rockmore sent a text message to the Plaintiff which stated in part "...tomorrow is not a good day so don't come. I will call you tomorrow."

23. On Sunday, September 23, 2014 Rockmore sent another text message to the Plaintiff which stated “Hi Karla I can’t talk right now. I will call u tomorrow. Tomorrow is not a good day. So don’t come tomorrow. I will call u tomorrow.”

24. On Monday, September 24, 2012 Rockmore did not call the Plaintiff.

25. On Monday, September 24, 2014 Rockmore received a text message from the Defendant which stated “Hi, Mrs. Allison, I’m been waiting for your call. What r u want me to do. Come back to work for you or not any more? I really need to know so I know what to do. Please let me know soon.”

26. On Tuesday, September 25, 2012 at 7:33 am Rockmore (who is an attorney) sent the Plaintiff a text message which stated, in part “I’m in court right now. U left me hanging at a really bad time. U didn’t even have the courtesy to call me that Monday morning . You knew it was a holiday and u know I have to go to work. To not call or come to work Monday morning after u said u would was not right...”

27. On Tuesday, September 25, 2014 Rockmore received a text message from the Plaintiff as follows: “I’m so sorry what I did to u I just want my stuff and my week pay because u may not let me work for u I am so sorry please forgive me mrs Allison.” [Emphasis supplied].

28. On Tuesday, September 25, 2014 Rockmore received another text message from the Plaintiff as follows: “At least let me get my cloths. If u r going to pay me pay me when I go get my cloths and if ur not going to pay me then don’t.”

29. On Sunday, September 30, 2012 Rockmore received another text message from the Plaintiff as follows: “Hi, Mrs Allison, please Mrs let me come back to work for

you or just let me get my stuff back please. I'm sorry what I did to you please forgive me and give me another chance."

30. On Saturday, October 20, 2012 at 7:54 am Rockmore sent a text message to the Plaintiff which stated, in part: "Hi Karla. Ur clothes are at the end of the driveway. Please get them before 9..."

31. On Saturday, October 20, 2012 Rockmore received the following text message from the Plaintiff: "Hi, what r about the money? Is in there I wont stop coming to ur house if you don't pay me."

32. On Saturday, October 20, 2012, Rockmore sent the following text message to the Plaintiff: "I've told u. U cost me hundreds of dollars to replace u on an emergency basis for ur failure to show up. Now ur threatening me. I will call the police."

33. On Saturday, October 20, 2014, Rockmore received the following text message from the Plaintiff: "So that's not my business u deed to give me my money. I don't care."

34. On Saturday October 20, 2014, Rockmore sent text messages to the Plaintiff which stated in part:

This is the last communication I am having w you. Ur clothes are at the end of the driveway. I'm not leaving them out all day. If they r not picked up by 9 I will call the police make a report that those items were here for u to pick up and u didn't pick them up. I then I will give them to charity...

This will confirm that Ur belongings were picked up in a black/dark car at approximately 9:10 am. Plz don't' call or contact or come to my home...

PROCEDURAL HISTORY

35. On December 7, 2012 the Plaintiff commenced an action in New York State Supreme Court, Nassau County, in which the plaintiff asserted claims under the New York Labor Law. Serrano v. Rockmore, Index No. 014963/2012 (the “State Action”).

36. It was hoped that there would be an early resolution of the Plaintiff’s claims, and there would not be the need to invoke the Plaintiff’s rights under the FLSA or burden the Federal Courts with this case.

37. Instead, that case has been vigorously defended by Rockmore in the State Action. Rockmore has continued to refuse to pay the plaintiff for her last week of wages. The depositions of all parties have been conducted. Plaintiff has expended significant efforts and mounted significant legal fees in prosecuting the State Action.

38. Plaintiff intends on discontinuing the State Action so that the Plaintiff may pursue her State and Federal Remedies concurrently in Federal Court.

FIRST CAUSE OF ACTION

MINIMUM WAGE VIOLATION

FAIR LABOR STANDARDS ACT, 29 U.S.C. §§ 201 ET SEQ.

39. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

40. Plaintiff was a domestic employee.

41. Rockmore employed the Plaintiff.

42. Effective May 25, 2009, the federal minimum wage for domestic employees is \$7.25 per hour.

43. Rockmore failed to pay Plaintiff the minimum wages to which she is entitled for work performed on September 10, 2014, September 11, 2014, September 12, 2014, September 13, 2014 and September 14, 2014.

44. Rockmore's violations of the FLSA have been willful, in that she knew or should have known that her actions, as described herein, violated the FLSA.

45. Because Rockmore's violations of the FLSA were willful, a three-year statute of limitations applies pursuant to 29 U.S.C. § 255.

SECOND CAUSE OF ACTION

OVERTIME VIOLATIONS

FAIR LABOR STANDARDS ACT, 29 U.S.C. §§ 201 ET SEQ.

46. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

47. Rockmore failed to pay Plaintiff overtime wages to which she is entitled under the FLSA.

48. Rockmore's violations of the FLSA have been willful, in that she knew or should have known that her actions, as described herein, violated the FLSA.

49. Because Rockmore's violations of the FLSA were willful, a three-year statute of limitations applies pursuant to 29 U.S.C. § 255.

THIRD CAUSE OF ACTION

RETALIATION UNDER 29 U.S.C. 215(a)(3)

50. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

51. Plaintiff complained to Rockmore that she be paid her wages.

52. In retaliation against the Plaintiff, Rockmore texted “I will call the police..”

53. In retaliation against the Plaintiff, Rockmore placed the Plaintiff’s clothes in garbage bags, left them at the end of Rockmore’s driveway, and texted “Ur clothes are at the end of the driveway. I’m not leaving them out all day. If they r not picked up by 9 I will call the police make a report that those items were here for u to pick up and u didn’t pick them up. I then I will give them to charity...”

FOURTH CAUSE OF ACTION

UNPAID OVERTIME – NEW YORK LABOR LAW §170

54. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

55. The plaintiff was a “domestic worker” within the meaning of the NYLL.

56. The plaintiff resided in Rockmore’s home.

57. Pursuant to NYLL §170 Rockmore was obligated to pay overtime pay at the rate of one and one-half times the regular rate of pay in excess of forty four (44) hours in a given work week.

58. Defendants failed to pay the Plaintiff overtime wages to which she is entitled under NYLL §170.

59. Defendants’ violations of the NYLL, as described in this Complaint, have been willful and intentional.

FIFTH CAUSE OF ACTION

NON-PAYMENT OF WAGES UNDER NYLL 191

60. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

61. The plaintiff was a manual worker and as such was entitled to payment on a weekly basis pursuant to NYLL §191.

62. The Defendant Rockmore has failed to pay the plaintiff her lawfully earned wages for her last week of employment.

SIXTH CAUSE OF ACTION

WAGE STATEMENT VIOLATIONS - NEW YORK LABOR LAW §§ 195 & 198

63. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

64. New York Labor Law §195, subdivision three, requires an employer to furnish to each employee “a statement with every payment of wages, listing the following: the dates of work covered by that payment of wages; name of employee; name of employer; address and phone number of employer; rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or other; gross wages; deductions; allowances, if any, claimed as part of the minimum wage; and net wages. For all employees who are not exempt from overtime compensation as established in the commissioner's minimum wage orders or otherwise provided by New York state law or regulation, the statement shall include the regular hourly rate or rates of pay; the overtime rate or rates of pay; the number of regular hours worked, and the number of overtime hours worked.”

65. Throughout the course of plaintiff's employment, the Defendant Rockmore failed to provide the statement required by New York Labor Law § 195(3)

SEVENTH CAUSE OF ACTION

WAGE NOTICE VIOLATIONS - NEW YORK LABOR LAW §§ 195 & 198

66. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

67. New York Labor Law §195(1)(a), requires an employer to furnish to each employee “a notice containing the following information: the rate or rates of pay and basis thereof...in writing in English and in the language identified by each employee as the primary language of such employee.”

68. Throughout the course of plaintiff’s employment, the Defendant Rockmore failed to provide the notice required by New York Labor Law § 195(1)(a).

EIGHTH CAUSE OF ACTION

UNLAWFUL RETALIATION - NEW YORK LABOR LAW §215

69. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

70. An employer may not “discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee” for complaining of conduct to the employer that violates any provision of Chapter 31 of the New York Labor Law. NYLL § 215-1.

71. The plaintiff engaged in protected activity when she complained to Defendant Rockmore regarding the non-payment of wages.

72. In retaliation against the Plaintiff, Rockmore texted “I will call the police..”

73. In retaliation against the Plaintiff, Rockmore placed the Plaintiff's clothes in garbage bags, left them at the end of Rockmore's driveway, and texted "Ur clothes are at the end of the driveway. I'm not leaving them out all day. If they r not picked up by 9 I will call the police make a report that those items were here for u to pick up and u didn't pick them up. I then I will give them to charity..."

74. The defendant Rockmore's conduct constitutes unlawful retaliation under §215.

PRAYER FOR RELIEF

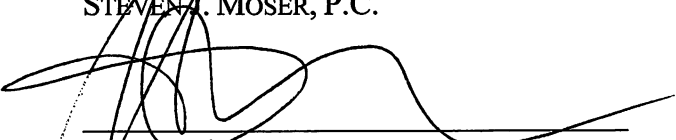
WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. Unpaid overtime pay;
- B. Unpaid minimum wages;
- C. Unpaid wages;
- D. An award of damages under NYLL § 198 for defendants' Wage Statement Violations;
- E. An award of damages under NYLL §198 for defendants' Wage Notice Violations;
- F. Attorneys' fees;
- G. Liquidated damages in an amount equal to unpaid minimum wages under 29 U.S.C. §216;
- H. Liquidated damages in an amount equal to unpaid overtime wages under 29 U.S.C. §216;

- I. Liquidated damages in an amount equal to unpaid overtime under NYLL §663;
- J. Liquidated damages in an amount equal to unpaid wages under NYLL §663;
- K. Liquidated damages in the amount of \$10,000.00 pursuant to NYLL §215;
- L. Such legal or equitable relief as may be appropriate to effectuate the purposes of 29 U.S.C. §215.
- M. Such other relief as this Court shall deem just and proper.

Dated: Glen Cove, New York
October 15, 2014

Respectfully Submitted,
STEVEN J. MOSER, P.C.



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stevenjmoserpc@gmail.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Karla Lopez-Serrano

DEFENDANTS

Allison Rockmore

(b) County of Residence of First Listed Plaintiff Nassau
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Nassau
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Steven J. Moser, P.C.
3 School Street, Suite 207B, Glen Cove, NY 11542
(516) 671-1150

Attorneys (If Known)

Law Offices of David S. Feather
666 Old Country Rd., Suite 605, Garden City, New York 11530
(516) 745-9000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 U.S.C. 201 et. seq.

Brief description of cause:

Unpaid overtime and minimum wages

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
10/15/2014

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Steven J. Moser, Esq., counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☐ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? _____
- b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? _____

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes

☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain)

☒ No

I certify the accuracy of all information provided above.

Signature: _____